

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADAM ROSS, on behalf of himself
and all others similarly situated,

-against-

CLASS ACTION
COMPLAINT

JURY TRIAL
DEMANDED

NELSON, WATSON & ASSOCIATES, LLC

Defendant.
-----X

'11 CIV 6143
JUDGE BRICCETTI

Plaintiff, by and through his undersigned attorney alleges upon knowledge as to himself and his own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant, its employees, agents, and successors, and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et. seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors within the meaning of 15 U.S.C. § 1692a(6) from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff Adam Ross (hereinafter "Ross") is a resident of the State of New York, Orange County. On or about June 27, 2011, plaintiff received and came into contact with debt collection notices from defendant. Exhibit A.

5. Defendant Nelson, Watson & Associates, LLC is a Massachusetts Limited Liability Company engaged in the business of collecting debt. The principal purpose of defendant is the collection of debt using the mails and telephone, and the defendant regularly attempts to collect debts alleged to be due another.

CLASS ACTION ALLEGATIONS

6. Plaintiff brings this action as a New York State class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of himself and all consumers who have received debt collection notices and/or letters from the defendant which are in violation of the FDCPA, and their successors in interest (the "Class"). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of defendant.

7. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

8. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, hundreds of persons have received debt collection notices from the defendant which violate various provisions of the FDCPA.

9. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(10), 1692f(1), 1692g and 1692g(a)(2) by defendant denominating Capital One Services LLC to be the Creditor of a consumer, when it is not the Creditor;

b. Whether plaintiff and the Class have been injured by the defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

10. Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

11. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

12. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

13. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendant's conduct will proceed without remedy it will continue to reap and retain the proceeds of its ill-gotten gains.

14. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

15. Starting on or about June 27, 2011, defendant mailed a collection letter addressed to Adam Ross. Upon receipt of defendant's letter, plaintiff opened and read it. The letter demanded payment of a debt allegedly owed by plaintiff to Capital One Services, LLC, LLC. A copy of said letter is annexed hereto as **Exhibit A**.

FIRST CAUSE OF ACTION

16. Each of the above allegations is incorporated herein.
17. The letter violated 15 U.S.C. § 1692g(a)(2) by Neslon, Watson & Associates, LLC, naming Capital One Services LLC as Creditor, when Capital One Services LLC is not the Creditor.
18. Defendant deemed the timely dispute of the debt, including dispute of the identity of the Creditor to be “invalid.” **Exhibit B.**
19. Moreover, upon information and belief, in violation of 15 U.S.C § 1692e, 15 U.S.C. § 1692e(10) and 1692f(1), the defendant used false representations and deceptive means to attempt to collect interest without evidencing the basis for added interest.
20. As a result of defendant’s abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.

WHEREFORE, plaintiff respectfully requests that the Court enter judgment as follows:

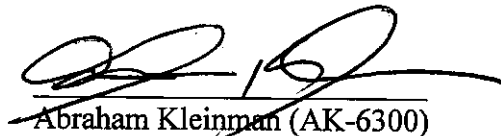
- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Issue a preliminary and permanent injunction restraining defendant, its employees, agents and successors from, *inter alia*, engaging in conduct and practices that are in violation of the FDCPA;
- c) Issue a declaratory Order requiring defendant to make corrective disclosures;
- d) Awarding plaintiff statutory damages;

- e) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and
- f) Awarding plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: September 1, 2011
Uniondale, New York

A handwritten signature in black ink, appearing to read 'AK', is written over a horizontal line.

Abraham Kleinman (AK-6300)

Kleinman LLC

626 RXR Plaza

Uniondale, New York 11556-0626

Telephone (516) 522-2621

Facsimile (888) 522-1692

EXHIBIT A

CAPO417456

 PO Box 1299
 Haverhill MA 01831
 RETURN SERVICE REQUESTED

Nelson, Watson & Associates, LLC

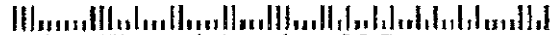
80 Merrimack Street Lower Level
 Haverhill, MA 01830
 Phone: 800-798-3961 • Fax (978) 469-9046
 www.nelsonwatson.com

June 27, 2011

Creditor: Capital One Services LLC
 Acct#: 874749203
 Total Balance as of 06/27/11: \$13022.77



002602002404275057510950260730-R1-TYFEE76A52 1160
 CAPO417456 - A20 - 1160
 Adam L Ross
 130 Orchard St
 Monroe NY 10950-2607


 Nelson, Watson & Associates, LLC
 PO Box 1299
 Haverhill MA 01831-1799

		*** Detach Upper Portion And Return With Payment ***	1160-ACNWAA10-6/16/10
Creditor:	Capital One Services LLC	Principal:	\$13017.32
Acct No:	874749203	Interest:	\$5.45
		Total Balance as of 06/27/11:	\$13022.77

The above referenced account has been placed with this office for collection. Remittance of the payment in full is hereby requested.

As of the date of this letter, you owe \$13022.77. Because of interest, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, write the undersigned or call 800-798-3961. For your security, please make all payments payable to Nelson, Watson & Associates, LLC.

*Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

Please call Monday or Wednesday 8:30am to 9pm EST, Tuesday, Thursday or Friday 8:30am to 5pm EST, or Saturday 9am to 1pm EST.

This communication is from a debt collector. This is an attempt to collect a debt. All information will be used for that purpose.

Sincerely,
 Consumer Services Department

Please Note: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. Funds may be withdrawn from your account as soon as the same day we receive the check and you will not receive your check back from your financial institution.

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW AND RETURN THE ENTIRE LETTER TO US.



\$			
Account Number	Payment Amount	Expire Date	CVV
Card Holder Name	Signature of Card Holder		

Exhibit B

THE KATZ LAW FIRM, PC
ATTORNEYS AT LAW
55 OLD TURNPIKE ROAD
SUITE 302
NANUET, NEW YORK 10954
TEL: (845) 290-9678
FAX: (845) 503-2341

David M. Katz
*Admitted to New York & New Jersey
*Admitted to SDNY & EDNY

July 26, 2011

SENT VIA FACSIMILE TO 978-469-9046
Nelson, Watson & Associates, LLC
80 Merrimack Street Lower Level
Haverhill, MA 01830

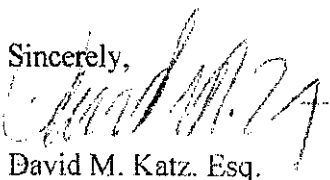
Re: Adam L Ross
Account # 874749203

Dear Sir or Madam,

Please be advised that I represent the above named consumer. Enclosed please find a copy of your letter dated June 27, 2011.

1. Please be advised that my client disputes all portions of this alleged Capital One Services LLC debt of \$13,022.77
2. Please send me verification of this disputed Capital One Services LLC debt.
3. Please send me verification that Capital One Services LLC is the creditor.
4. Please send me the name and address of the original creditor.
5. Please send me proof of the basis and calculation for the interest of \$5.45.

Sincerely,



David M. Katz, Esq.

Nelson, Watson & Associates, LLC
P.O. Box 1299
Haverhill, MA 01831
RETURN SERVICE REQUESTED

80 Merrimack St., Lower Level
Haverhill, MA 01830
800-798-3961
www.nelsonwatson.com

Reference Number: CAPO417456

NELSON, WATSON & ASSOCIATES, LLC

Adam L Ross
C/O THE KATZ LAW FIRM, PC
55 OLD TURNPIKE RD, STE 302
NANUET, NY 10954

8/3/2011

PERSONAL AND CONFIDENTIAL

Client: Capital One Services LLC
Account: 874749203
Principal Balance: \$13,017.32
Interest: \$171.86
Total Balance as of 8/3/2011: \$13,189.18

Dear Adam L Ross,

This letter serves to confirm that Nelson, Watson & Associates, LLC has presented your dispute on the above referenced account to Capital One Services Llc 15000 Capitalone Drive Richmond Va 23238. The dispute presented was determined to be invalid by Capital One Services Llc who have provided product or services but are not yet paid. Nelson, Watson & Associates, LLC is providing to you at the above address documents validating the debt. Please call to make arrangements on your account today.

This communication is from a debt collector. This is an attempt to collect a debt. All information obtained will be used for that purpose.

Please call Monday or Wednesday 8:30am to 9pm EST, Tuesday, Thursday or Friday 8:30am to 5pm EST, or Saturday 9am to 1pm EST.

Sincerely,

Consumer Services Department